



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

# 10

TECHNOLOGY CENTER R3700

AUG 24 2001

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In re Patent Application of:  
**HABERLAND ET AL.**

Serial No. **09/580,721**

Filing Date: **MAY 30, 2000**

For: **TROCAR SYSTEM HAVING  
SHIELDED TROCAR**

Art Unit: **3735**

Attorney Docket No.:  
**24039**

**PETITION UNDER 37 C.F.R. § 1.47 FOR JOINT INVENTOR  
REFUSING TO JOIN IN THE APPLICATION**

RECEIVED

AUG 28 2001

OFFICE OF PETITIONS

Assistant Commissioner for Patents 08/22/2001 SZEWDIE1 00000006 09500721  
Washington, D.C. 20231 05 FC:122

133.00 07

Dear Sir:

As an initial matter, Applicants respectfully thank the Examiner for her thorough review of the Petition Under 37 C.F.R. §1.47 submitted to the United States Patent Office (PTO) on January 29, 2001. In response to the Decision on Petition dated March 13, 2001, Paper No. 9, please enter the Petition Under 37 C.F.R. §1.47 For Joint Inventor Refusing To Join In The Application set out below. A petition for a two-month extension of time and the requisite fees are also enclosed herewith.

Applicants note that in the Decision on Petition dated March 13, 2001, the Examiner states that "Applicants failed to demonstrate that the nonsigning inventor, Mr. Hagen, was presented with a complete copy of the application papers for review." Applicants respectfully submit that Mr. Hagen has been presented with a complete copy of the above-referenced patent application and after several telephone conversations with Mr. Gary Haberland, one of the joint inventors, and Attorney Jeffrey S. Whittle, attorney of record for the above-

In re Patent Application of:

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Serial No. **09/580,721**

Filed: **May 30, 2000**

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referenced patent application, Mr. Hagen, one of the joint inventors, has executed the declaration, power of attorney, and assignment documents. The executed declaration, power of attorney and assignment document from R. Sean Hagen are further enclosed herewith.

Applicants hereby petition to name Mr. Sam R. Marchand as a joint inventor for the patent application although he refuses to join in the patent application. Attached hereto is a statement from Attorney Jeffrey S. Whittle, attorney of record for the above referenced patent application, Mrs. Kathy L. Tissue, executive assistant to Attorney Whittle, and Mr. Gary Haberland, one of the joint inventors of the above-referenced patent application, all establishing the pertinent facts regarding the refusal of Mr. Sam R. Marchand to join in the above-referenced patent application.


Further enclosed herewith is a Declaration signed by the available joint inventors with Mr. Sam R. Marchand's signature block being left empty. The Declaration is being submitted to establish that the available joint inventors make the declaration on their own behalf and on behalf of Mr. Marchand according to MPEP § 409.03(a).

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Serial No. **09/580,721**  
Filed: **May 30, 2000**

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If any additional extension and/or fee is required,  
authorization is given to charge Deposit Account No. **01-0484**.

Respectfully submitted,

  
\_\_\_\_\_  
MARK R. MALEK  
Reg. No. 46,894  
Allen, Dyer, Doppelt, Milbrath  
& Gilchrist, P.A.  
255 S. Orange Avenue, Suite 1401  
Post Office Box 3791  
Orlando, Florida 32802  
407/841-2330

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being  
deposited with the United States Postal Service as first class  
mail in an envelope addressed to: ASSISTANT COMMISSIONER FOR  
PATENTS, WASHINGTON, D.C. 20231, on this 17<sup>th</sup> day of August,  
2001.

  
\_\_\_\_\_  
KATHY L. TISSUE



#10  
RECEIVED  
AUG 24 2001  
TECHNOLOGY CENTER R3700

In re Patent Application of: )  
HABERLAND ET AL. )  
Serial No. 09/580,721 ) Art Unit: 3735  
Filing Date: MAY 30, 2000 )  
For: TROCAR SYSTEM HAVING ) Attorney Docket No.:  
SHIELDED TROCAR ) 24039

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**STATEMENT OF FACTS SUPPORTING  
PETITION UNDER 37 C.F.R. § 1.47**

Assistant Commissioner for Patents  
Washington, DC 20231

I, KATHY L. TISSUE, declare as follows:

1. I am an executive assistant to Attorney Jeffrey S. Whittle, the attorney of record in the above-referenced patent application.
2. It is my understanding that the above-referenced patent application is a continuation-in-part of design patent application serial number 29/117,520 filed on January 26, 2000. Mr. Sam R. Marchand signed the declaration, power of attorney, and assignment documents for the parent design patent application on March 2, 2000 (see Exhibit A).
3. Per Attorney Whittle's instructions, I transmitted correspondence to Mr. Sam R. Marchand, one of the joint inventors of the above-referenced patent application, in August 22, 2000. The correspondence included a copy of the above-referenced patent application (claims, specifications, and drawings), along with a copy of all supporting documents

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(declaration, power of attorney, and assignment documents) (see Exhibit B).

4. Upon Attorney Whittle's instructions and after transmitting the above-referenced documents to Mr. Sam R. Marchand, I telephoned him to follow up on the status of the above-referenced documents. Mr. Marchand stated that he had received the documents and that he would execute and send them back to us.

5. The above-referenced documents were never returned to our office.

6. It is my understanding that Mr. Gary Haberland, one of the joint inventors of the above-referenced patent application, transmitted to Mr. Sam R. Marchand, a second package containing the above-referenced documents. It is also my understanding that the second package was delivered via UPS next day air service on January 12, 2001 and that this second package contained a draft of the subject patent application, as well as the supporting documents, as outlined above, for Mr. Marchand's review and execution (see Exhibit C).

7. After the delivery of the second package and upon Attorney Whittle's instructions, I conducted several follow-up telephone calls and left several telephone messages on Mr. Marchand's voice mail.

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8. Mr. Marchand returned one of my calls, stating that he was unable to call earlier because he was out of the country. During our telephone conversation, Mr. Marchand informed me that he would soon forward the executed documents to me.

9. Mr. Marchand never forwarded the above-referenced documents to us.

10. Upon Attorney Whittle's further instructions, at least in June, July, and August, 2001, I conducted additional follow-up telephone calls and left additional voice messages for Mr. Marchand to again inquire as to the status of the above-referenced documents.

11. After conducting the follow-up telephone calls, we received a letter from Mr. Marchand dated August 7, 2001 (see Exhibit D). In his letter, it is my understanding that Mr. Marchand stated that "Genicon still has a balance due in regards to development work carried out by Coalesce. I would be glad to execute these documents, but I do feel that some type of agreement should be reached in regards to the development work carried out."

12. I immediately forwarded this letter to Attorney Whittle for his review.

13. Based on this letter from Mr. Marchand and our still not having received the above-referenced executed

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documents, it is my understanding that Mr. Marchand continues to refuse to join as a co-inventor in the above-referenced patent application.

14. Records indicate that Mr. Sam R. Marchand's last known home address is:

1170 Robmar Rd.  
Dunedin, FL 34698.

15. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

8-17-01  
Date

Kathy L. Tissue  
KATHY L. TISSUE

# **EXHIBIT A**



Case No. 99-P-22061

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

"EXPRESS MAIL" MAILING LABEL NUMBER EL3695370494

DATE OF DEPOSIT January 26, 2000

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED  
WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL" POST  
OFFICE TO ADDRESSEE "SERVICE UNDER 37 CFR 1.101, 1.102, 1.103, 1.104,  
1.105, 1.106, 1.107, 1.108, 1.109, 1.110, 1.111, 1.112, 1.113, 1.114, 1.115,  
1.116, 1.117, 1.118, 1.119, 1.120, 1.121, 1.122, 1.123, 1.124, 1.125, 1.126, 1.127,  
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1.931, 1.932, 1.933, 1.934, 1.935, 1.936, 1.937, 1.938, 1.939, 1.940, 1.941, 1.942,  
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1.955, 1.956, 1.957, 1.958, 1.959, 1.960, 1.961, 1.962, 1.963, 1.964, 1.965, 1.966,  
1.967, 1.968, 1.969, 1.970, 1.971, 1.972, 1.973, 1.974, 1.975, 1.976, 1.977, 1.978,  
1.979, 1.980, 1.981, 1.982, 1.983, 1.984, 1.985, 1.986, 1.987, 1.988, 1.989, 1.990,  
1.991, 1.992, 1.993, 1.994, 1.995, 1.996, 1.997, 1.998, 1.999, 2.000

Kathy L. Tissue  
(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)  
Kathy L. Tissue  
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

Transmitted herewith for filing is the patent application of:  
Inventors: Haberland et al.  
For: OBTURATOR, VALVE ASSEMBLY, AND CANNULA COMBINATION

Enclosed are:

- [X] Design Patent Application: 4 pages
- [X] 16 Sheets of drawings.
- [X] Filing Fee in the amount of \$155.00 for small entity
- [X] A verified statement to establish small entity status under 37 CFR §§1.19 and 1.27.

The Declaration is NOT ENCLOSED.

[X] Name, Address and Citizenship of Inventor(s) is as follows:

Gary W. Haberland  
573 Waterscape Way  
Orlando, FL 32828  
Citizen of United States

Sam R. Marchand  
1170 Robmar Road  
Dunedin, FL 32798  
Citizen of United States

EL369537049US

PLEASE ADDRESS ALL CORRESPONDENCE TO:

Jeffrey S. Whittle, Esq.  
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.  
255 S. Orange Avenue, Suite 1401  
P.O. Box 3791  
Orlando, Florida 32802-3791  
Phone: (407) 841-2330

Date: January 26, 2000

Christopher F. Regan  
CHRISTOPHER F. REGAN  
Reg. No. 34,906  
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.  
255 S. Orange Avenue, Suite 1401  
P.O. Box 3791  
Orlando, Florida 32802-3791  
Phone: (407) 841-2330

**OBTURATOR, VALVE ASSEMBLY, AND CANNULA  
COMBINATION**

**SPECIFICATION**

**TO WHOM IT MAY CONCERN:**

Be it known that **Gary W. Haberland**, an individual citizen of the United States of America, with an address of 573 Waterscape Way, Orlando, Florida 32828, and **Sam Marchand**, an individual citizen of the United States of America, with an address of 1170 Robmar Road, Dunedin, Florida 34698, have invented a new, original and ornamental design for an **OBTURATOR, VALVE ASSEMBLY, AND CANNULA COMBINATION**, for which the following is a specification, reference being made to the accompanying drawings forming a part hereof, in which:

Figure 1 is a perspective view of a first embodiment of the **OBTURATOR, VALVE ASSEMBLY, AND CANNULA COMBINATION** showing the design of our invention;

Figure 2 is a right side elevational view of FIG. 1;

Figure 3 is a left side elevational view of FIG. 1;

Figure 4 is a front elevational view of FIG. 1;

Figure 5 is a rear elevational view of FIG. 1;

Figure 6 is a top plan view of FIG. 1;

Figure 7 is a bottom plan view of FIG. 1;

Figure 8 is a perspective view of a **VALVE ASSEMBLY AND CANNULA COMBINATION** showing the design of our invention;

Figure 9 is a right side elevational view of FIG. 8;

Figure 10 is a left side elevational view of FIG. 8;

Figure 11 is a front elevational view of FIG. 8;

Figure 12 is a rear elevational view of FIG. 8;

Figure 13 is a top plan view of FIG. 8;

Figure 14 is a bottom plan view of FIG. 8;

Figure 15 is a perspective view of a **CANNULA** showing the design of our invention;

Figure 16 is a right side elevational view of FIG. 15;

Figure 17 is a left side elevational view of FIG. 15;

Figure 18 is a front elevational view of FIG. 15;

Figure 19 is a rear elevational view of FIG. 15;

Figure 20 is a top plan view of FIG. 15;

Figure 21 is a bottom plan view of FIG. 15;

Figure 22 is a perspective view of an **OBTURATOR HAVING A HANDLE** showing the design of our invention;

Figure 23 is a front elevational view of FIG. 22;

Figure 23A is an enlarged fragmentary elevational view of FIG. 22 having a distal end portion thereof in an extended position;

Figure 24 is a right side elevational view of FIG. 22;

Figure 25 is a rear elevational view of FIG. 22 ;

Figure 26 is a left side elevational view of FIG. 22;

Figure 27 is a top plan view of FIG. 22;

Figure 28 is a bottom plan view of FIG. 22;

Figure 29 is a perspective view of an **OBTURATOR** showing the design of our invention;

Figure 30 is a front elevational view of FIG. 29;

Figure 31 is a right side elevational view of FIG. 29;

Figure 32 is a rear elevational view of FIG. 29;

Figure 33 is a left side elevational view of FIG. 29;

Figure 34 is a top plan view of FIG. 29;

Figure 35 is a bottom plan view of FIG. 29;

Figure 36 is a perspective view of a **VALVE ASSEMBLY** showing the design of our invention;

Figure 37 is a top plan view of FIG. 36;

Figure 38 is a bottom plan view of FIG. 36;

Figure 39 is a front elevational view of FIG. 36, the rear being a mirror image thereof; and

Figure 40 is a right side elevational view of FIG. 35, the left side being a mirror image thereof.

The broken lines are for illustrative purposes only and do not form part of the claimed design.

**WE CLAIM:**

The ornamental design for an **OBTURATOR, VALVE ASSEMBLY, AND CANNULA COMBINATION** as shown and described.

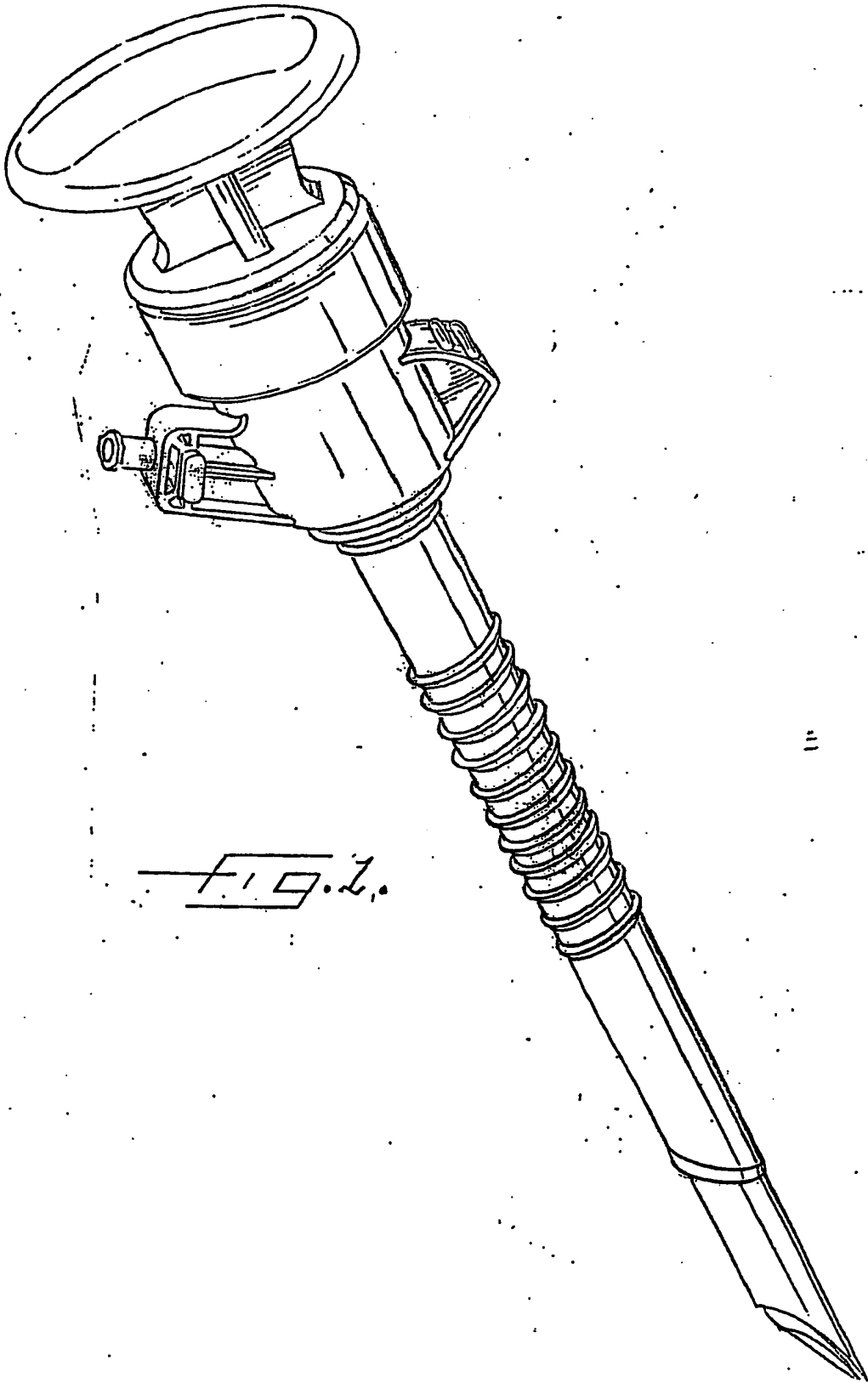


FIG. 1.

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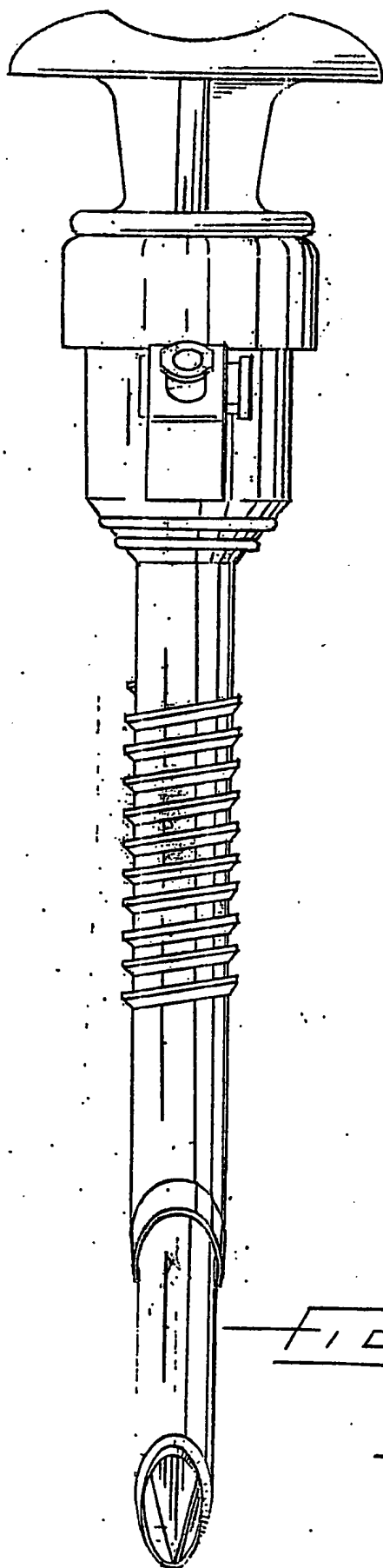


FIG. 2.

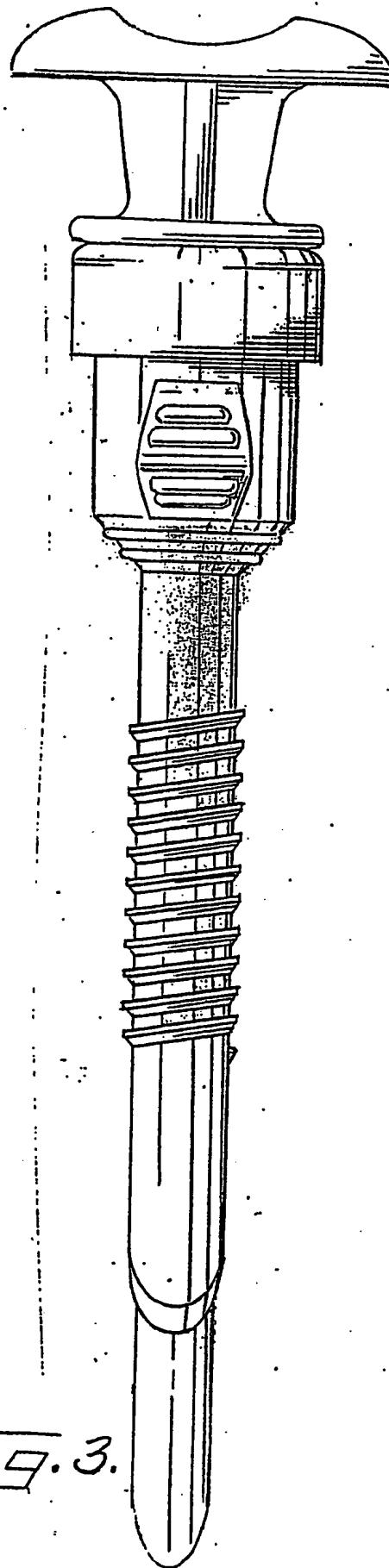
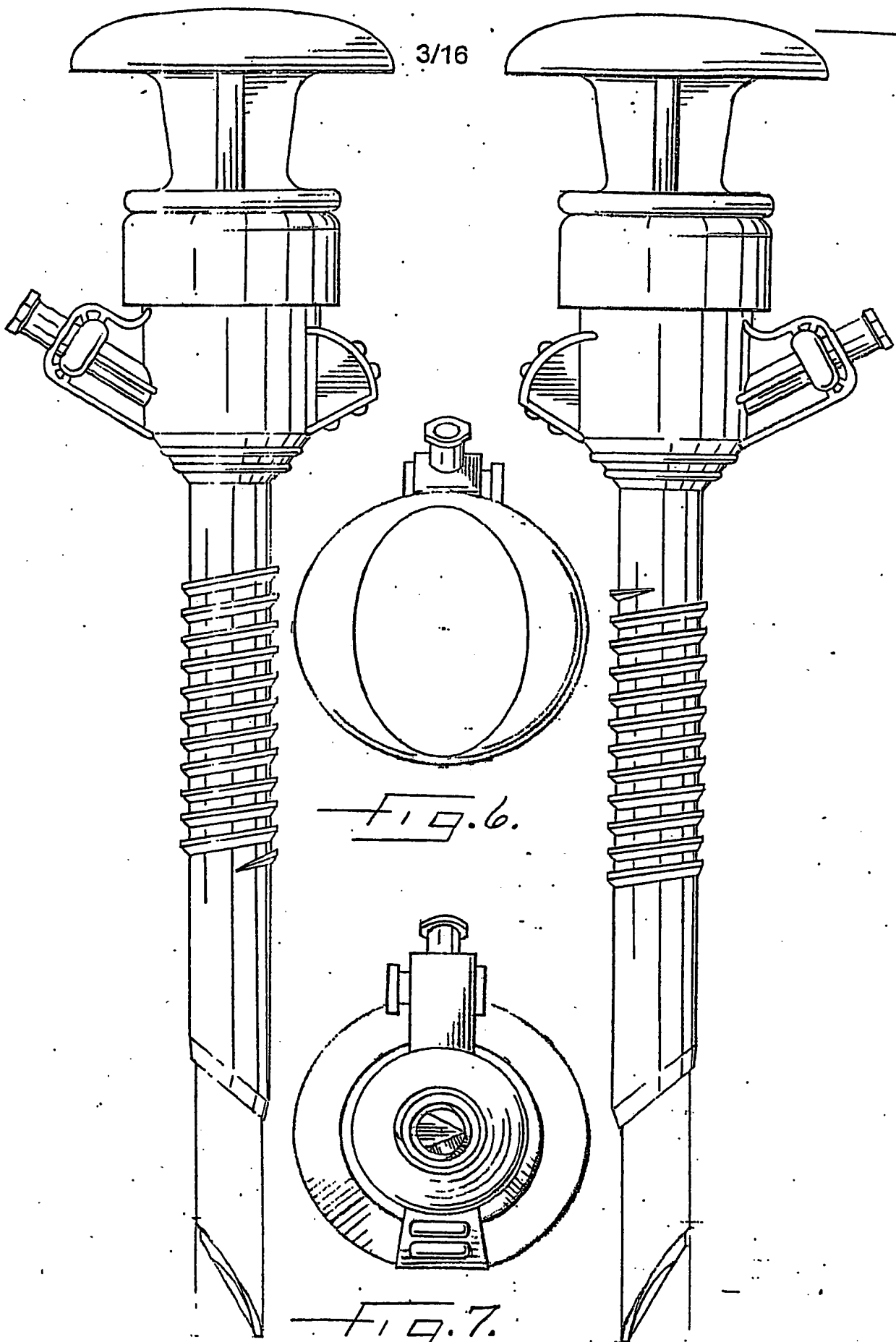


FIG. 3.

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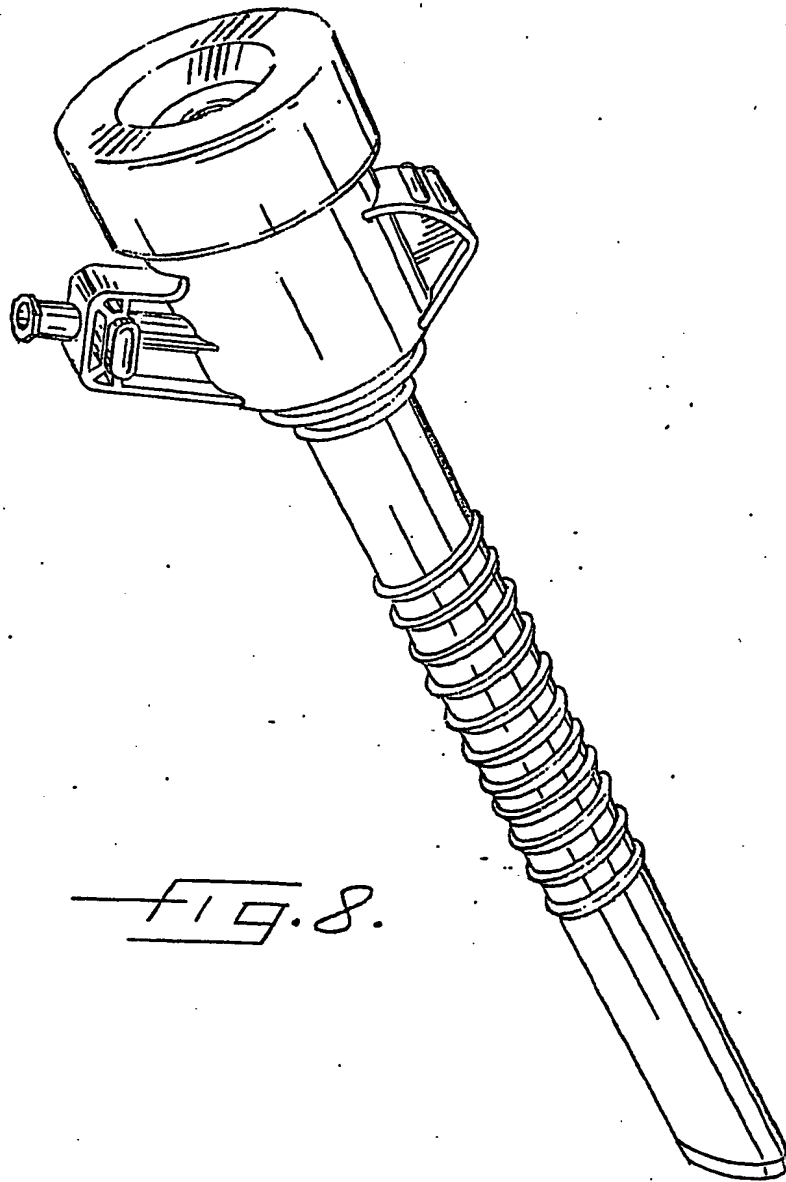
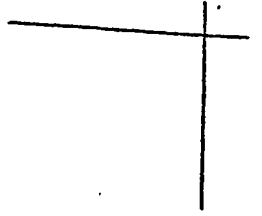


FIG. 8.

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FIG. 13.

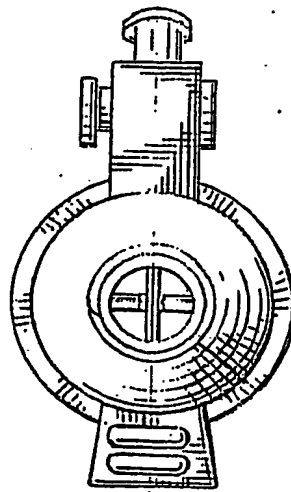
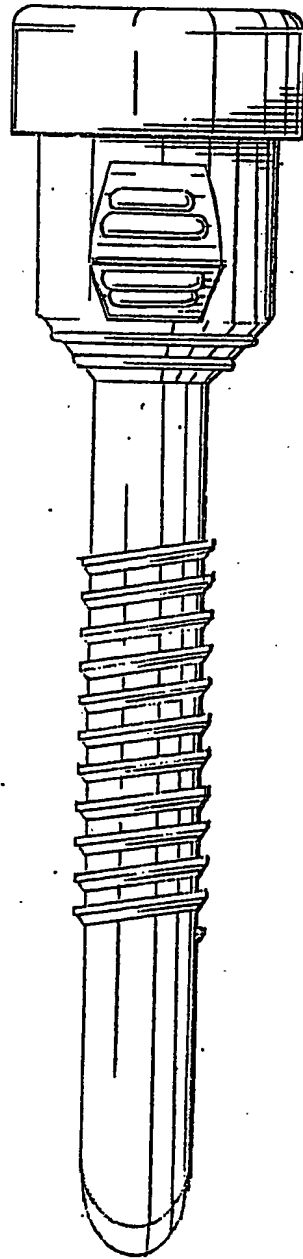
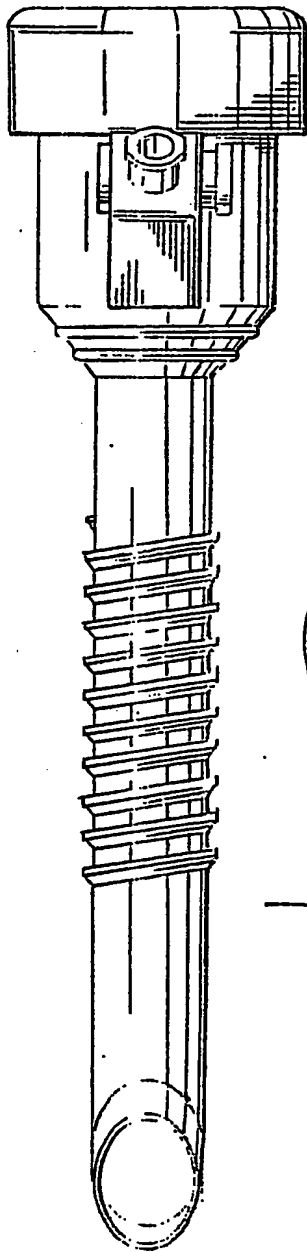
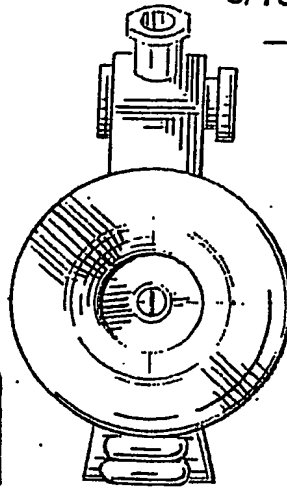


FIG. 14.

FIG. 9.

FIG. 10.

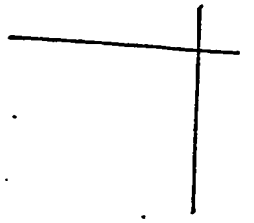


FIG. 11.

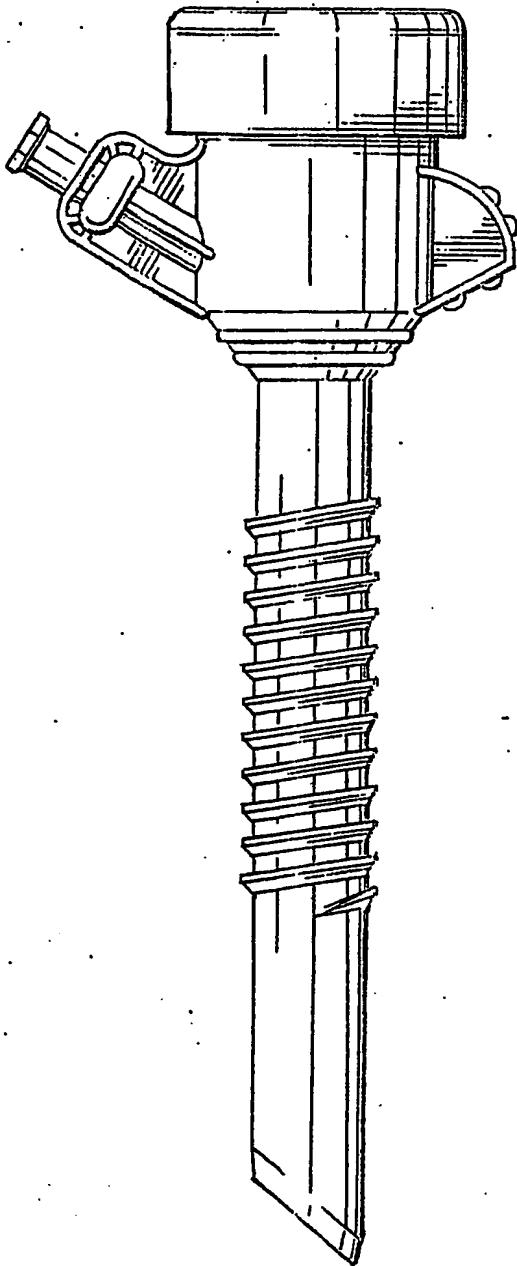
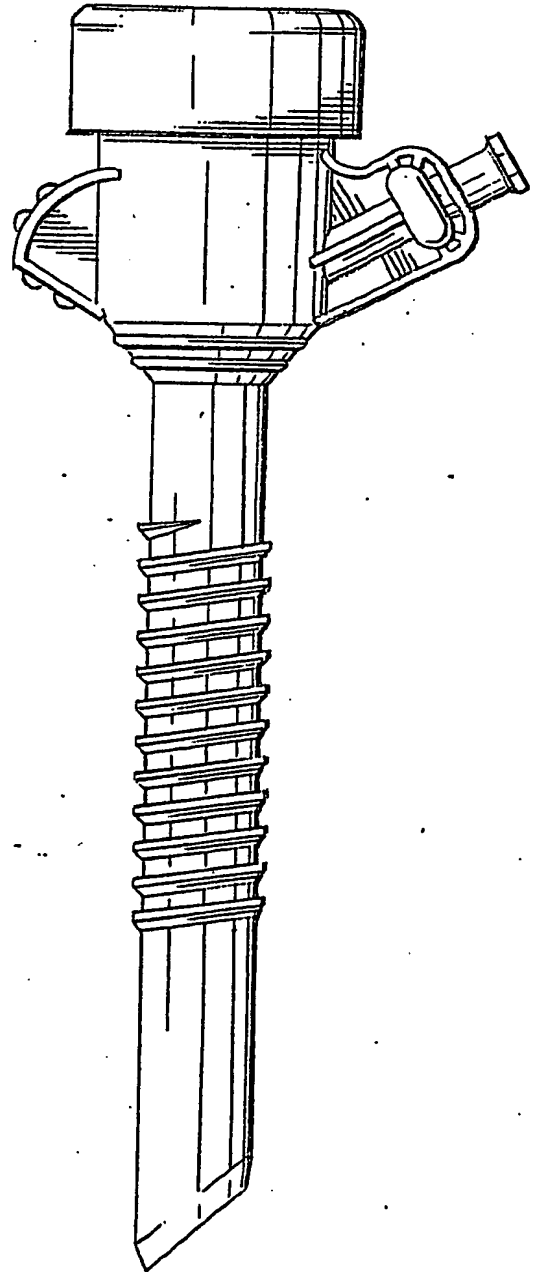


FIG. 12.



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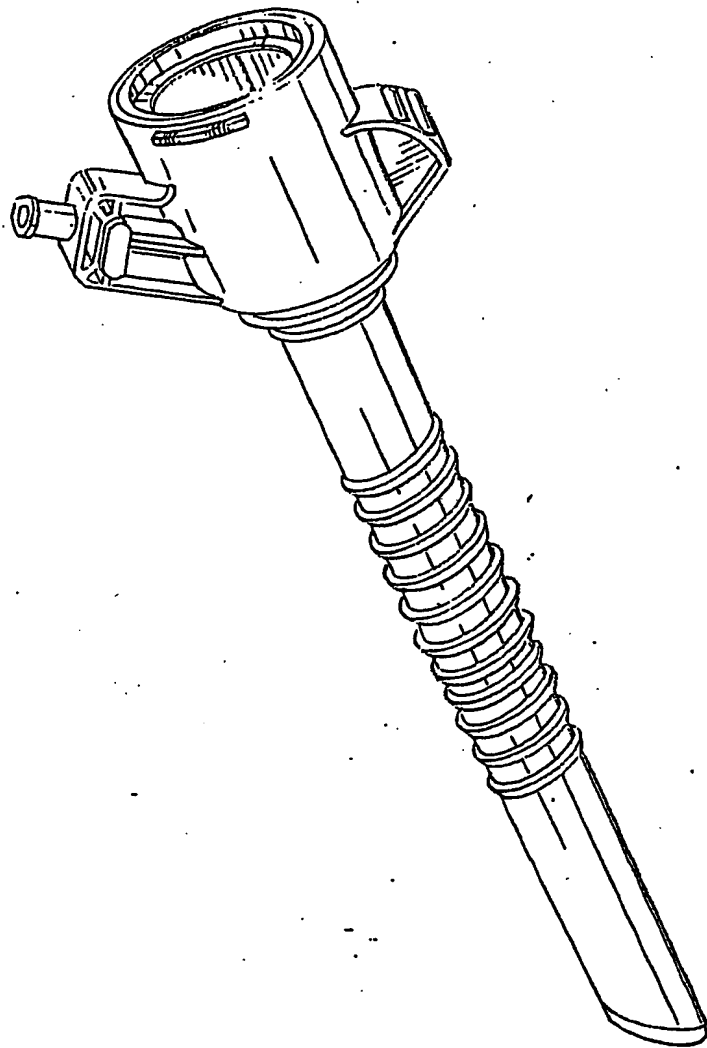


FIG. 15.

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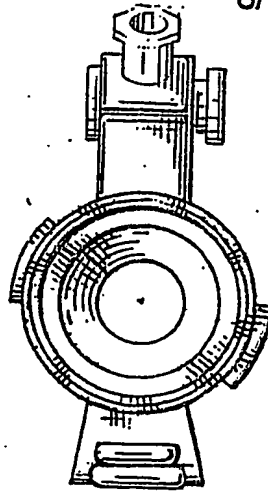


FIG. 20

FIG. 26.

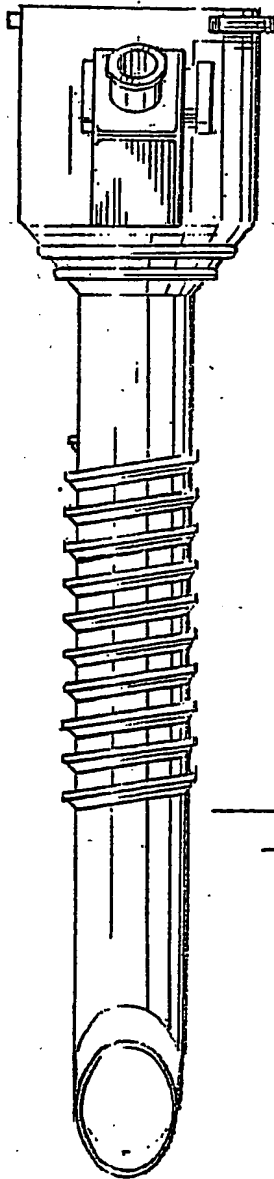


FIG. 27.

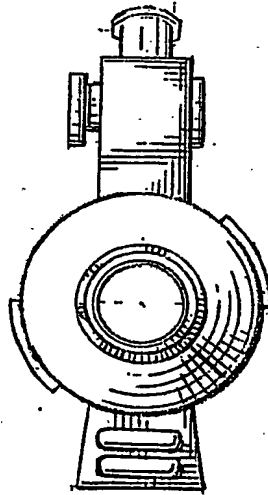
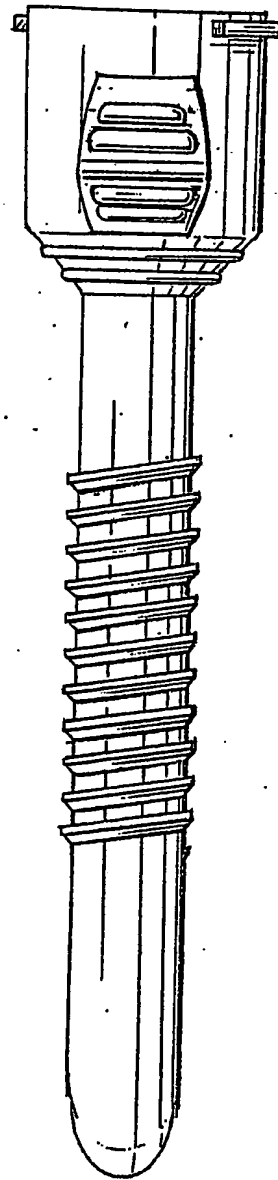


FIG. 21.

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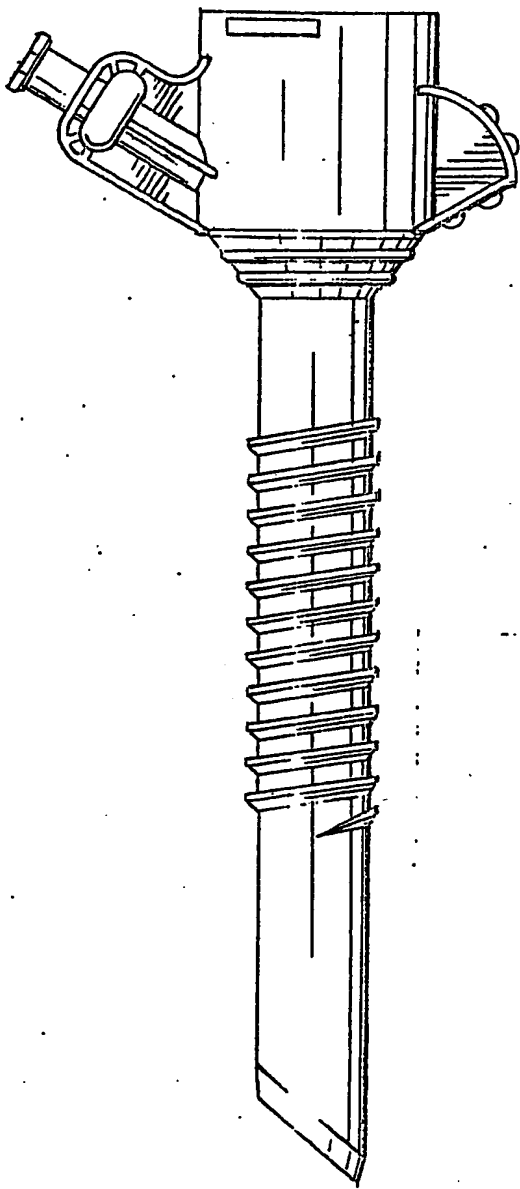


Fig. 28.

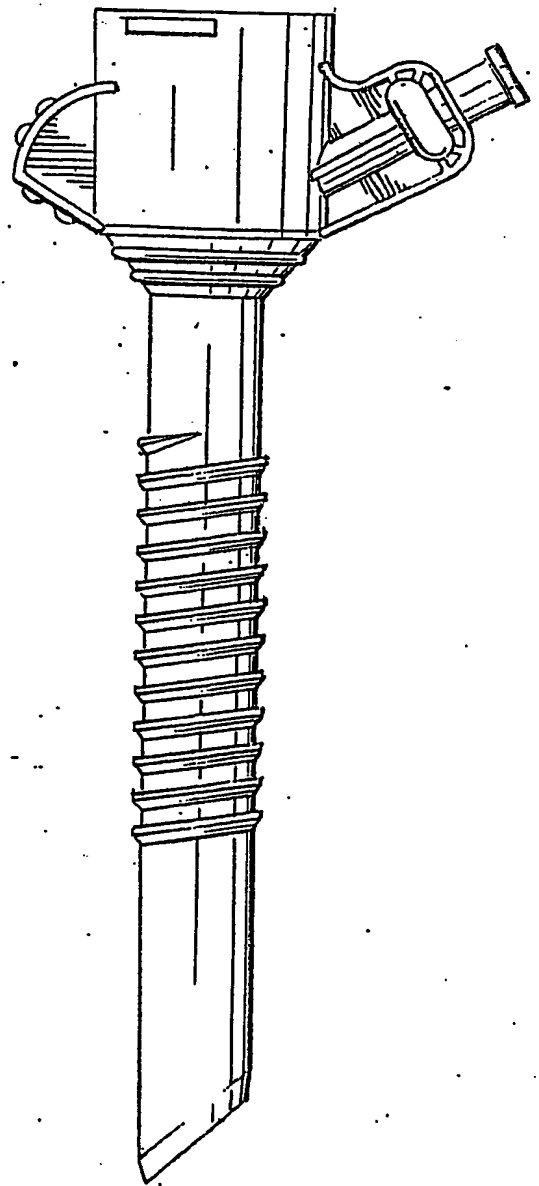


Fig. 29.

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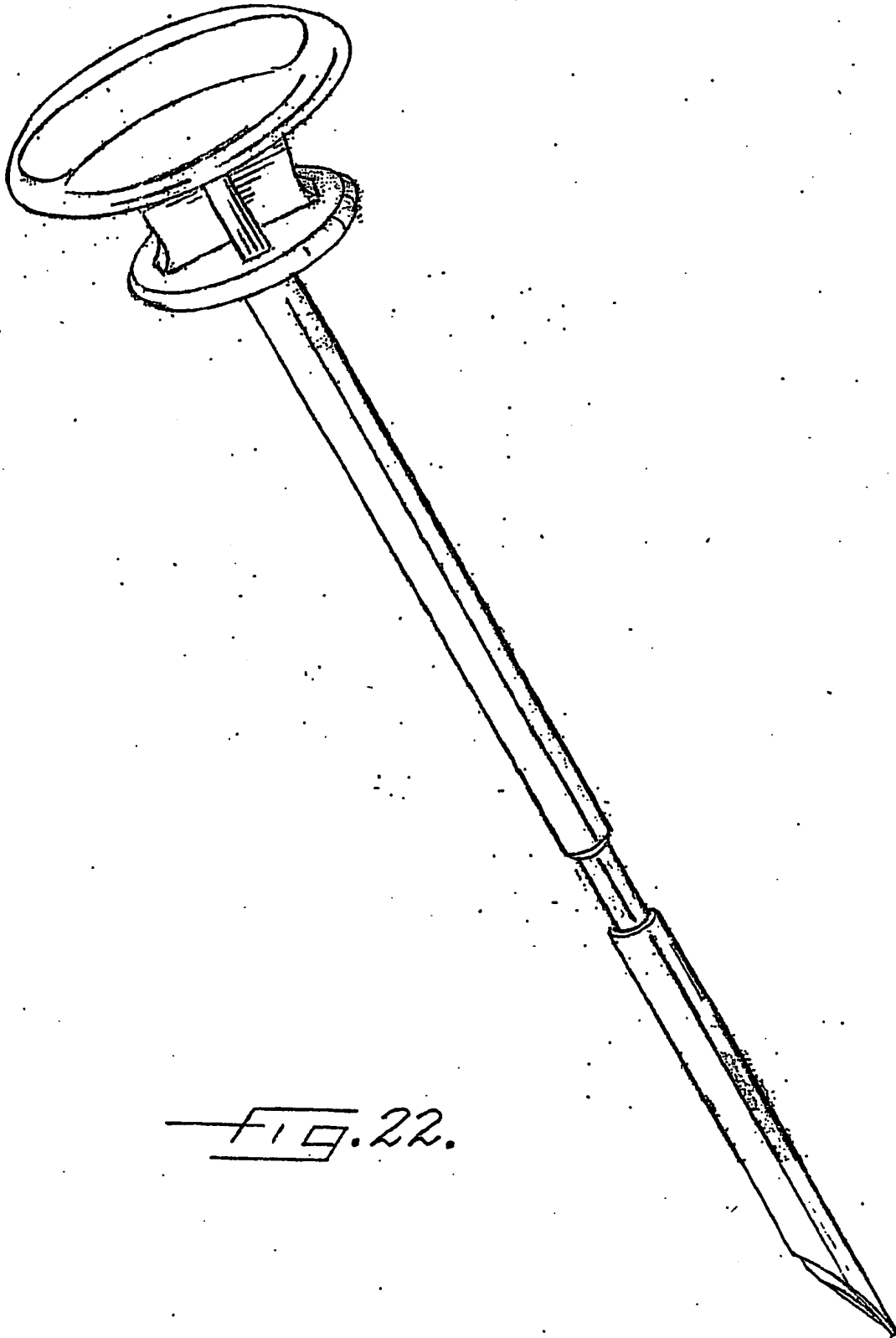
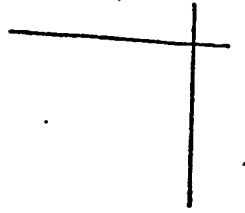


FIG. 22.

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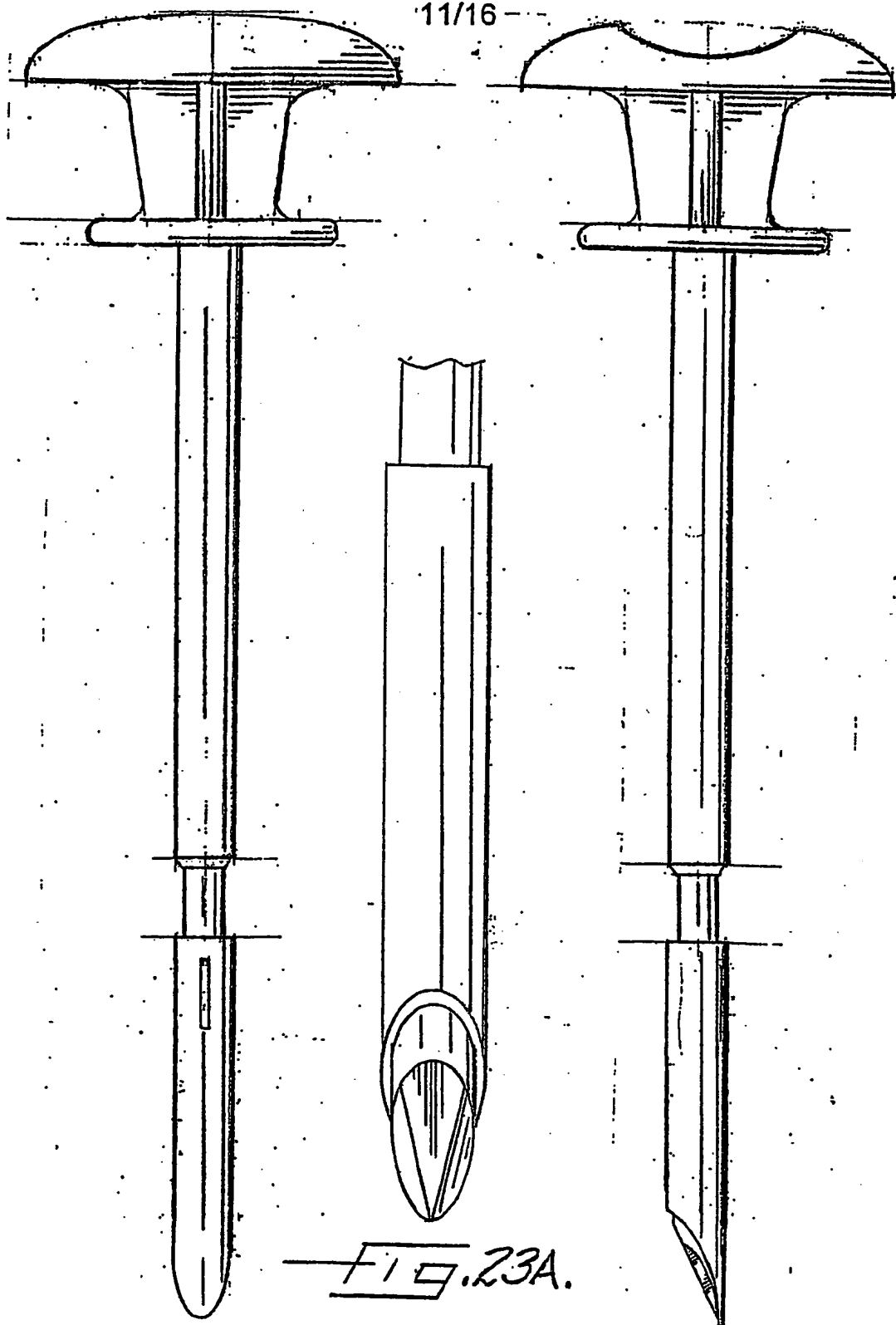


FIG. 23A.

FIG. 23.

FIG. 24.



FIG. 27.

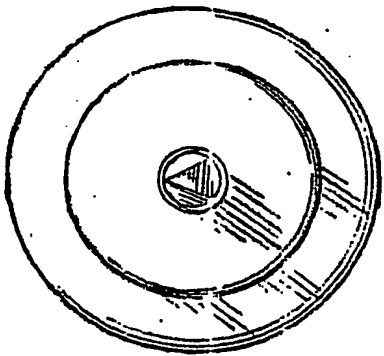
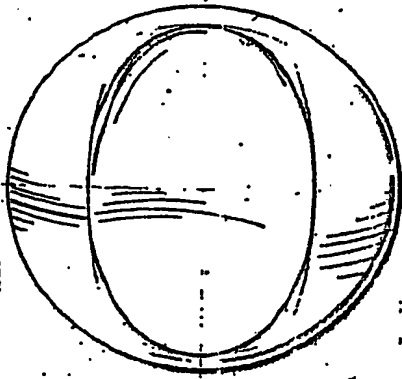


FIG. 28.

FIG. 25.

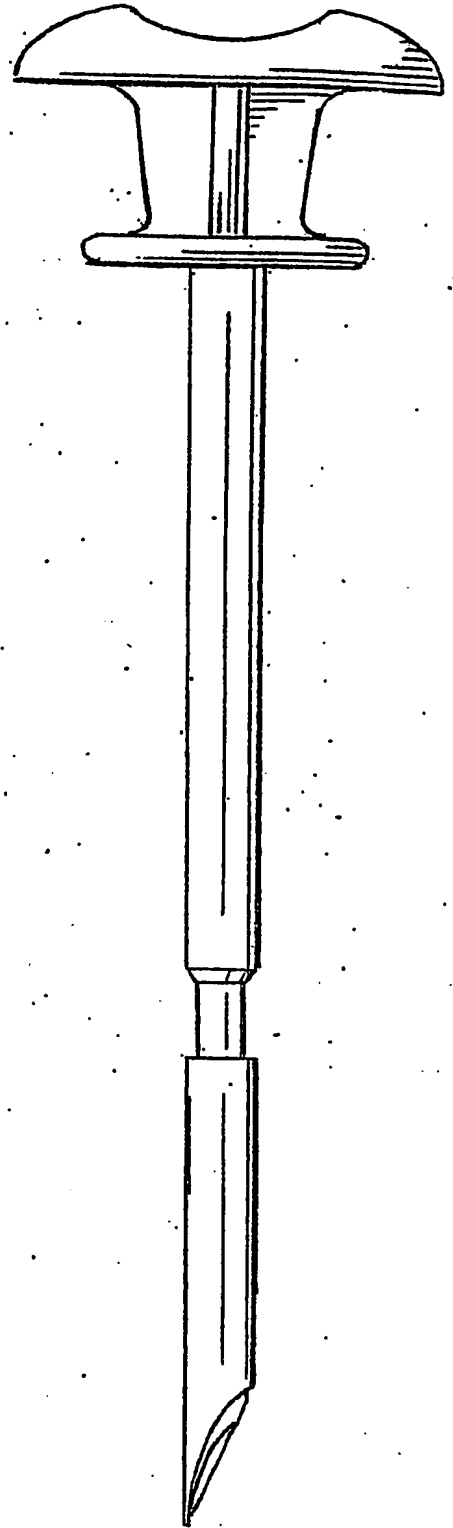
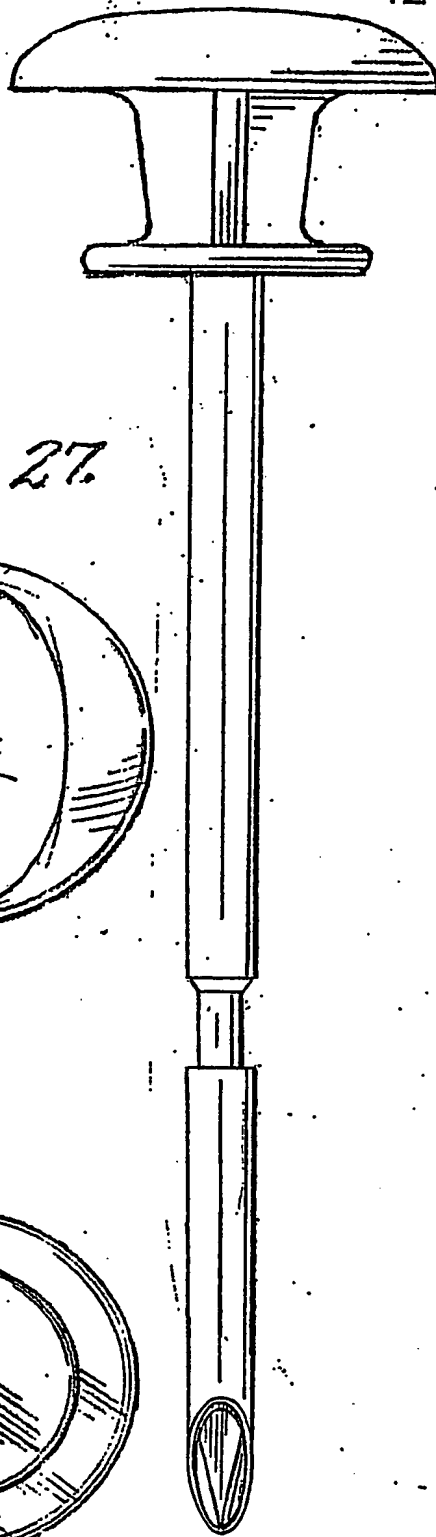


FIG. 26.

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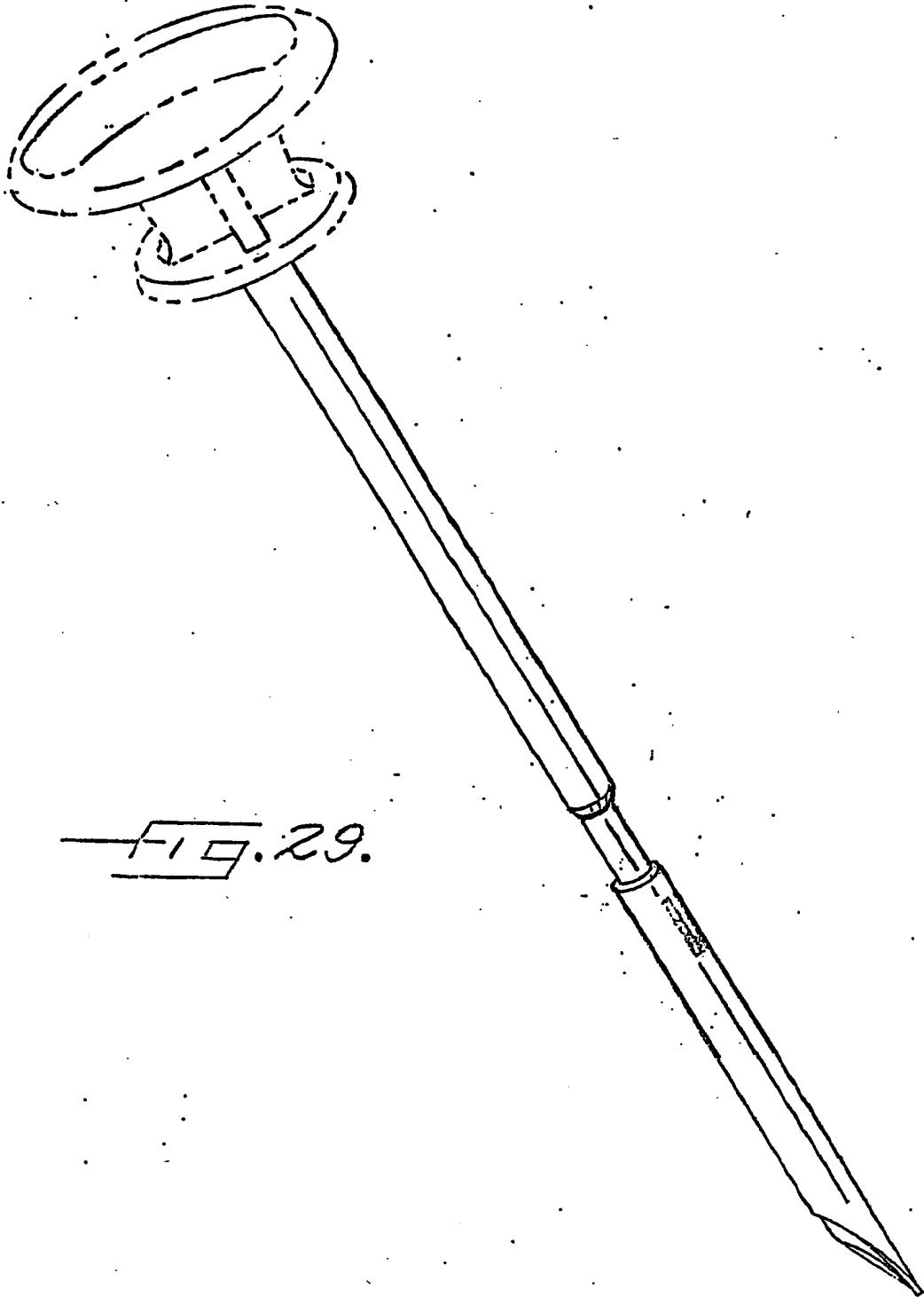


FIG. 29.

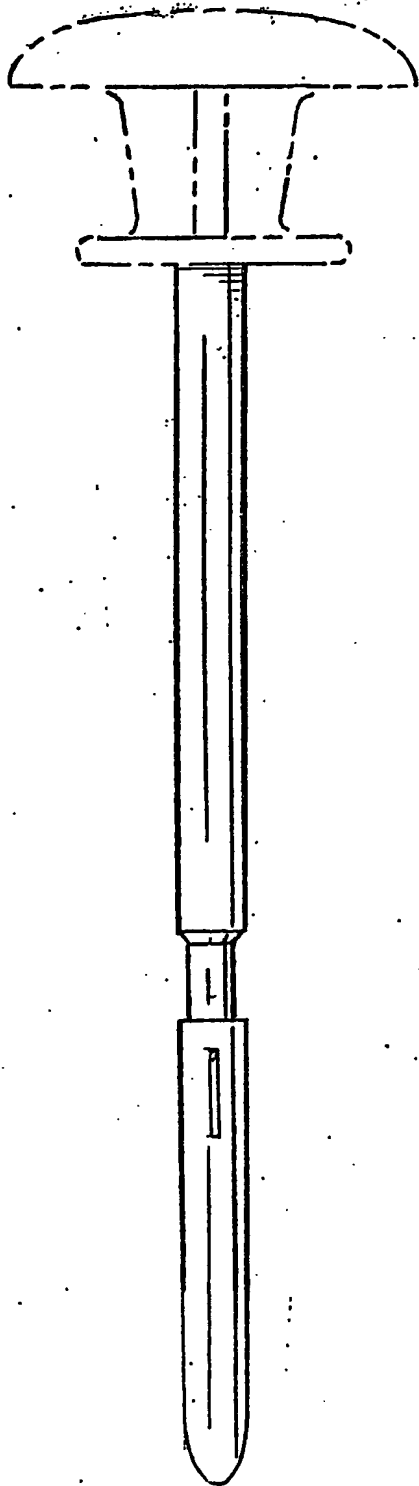


Fig. 30.

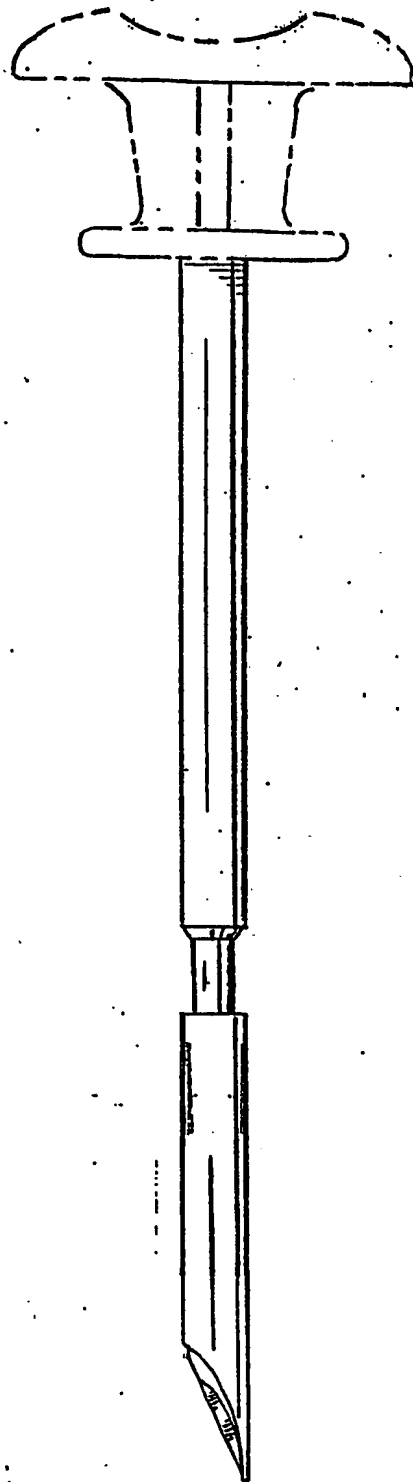


Fig. 31.

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FIG. 34.

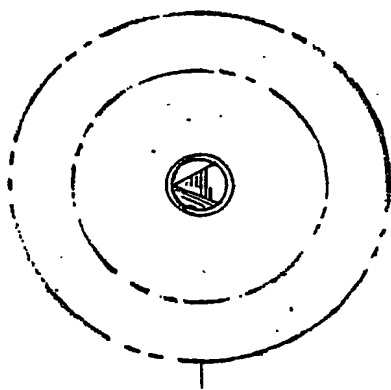
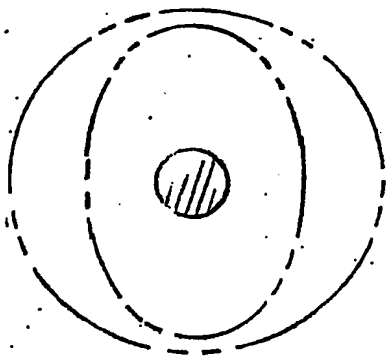


FIG. 35.

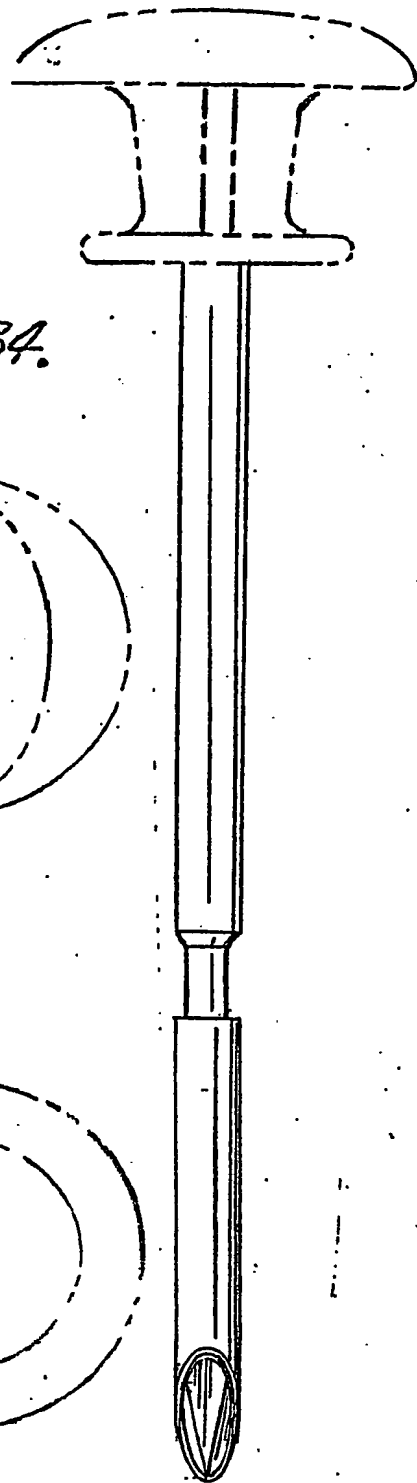


FIG. 32.

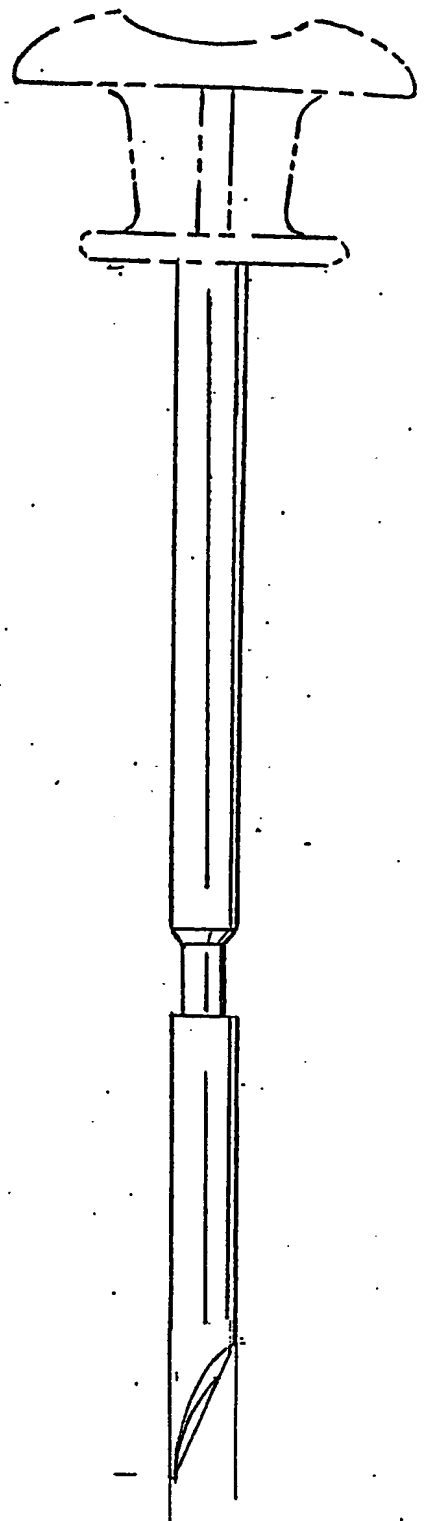
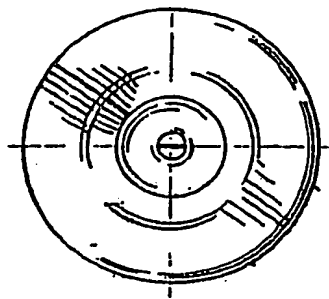


FIG. 33.

FIG. 37.



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FIG. 38.

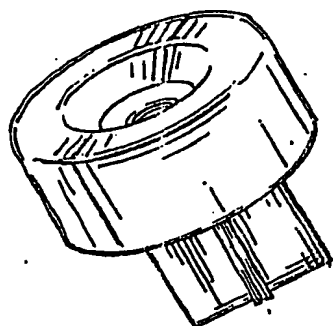
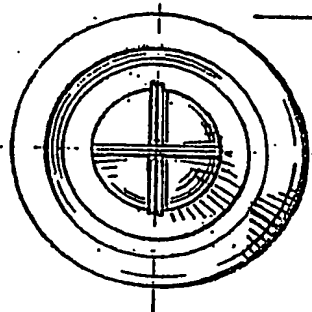


FIG. 36.

FIG. 39.

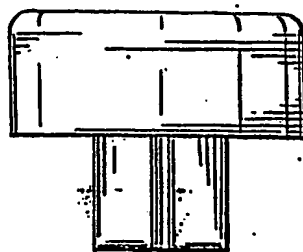
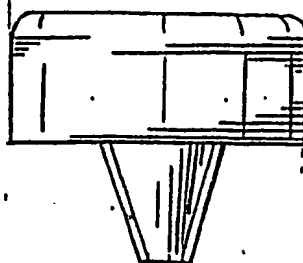


FIG. 40.



DECLARATION AND POWER OF ATTORNEY FOR PATENT  
APPLICATION

Attorney Docket No.: 99-P-22061

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: OBTURATOR, VALVE ASSEMBLY, AND CANNULA COMBINATION, the specification of which:

(check one)

\_\_\_\_\_ is attached hereto

X was filed on January 26, 2000

as Application Serial No. 29/117,520

and was amended on \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulation, 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the of the application on which priority is claimed:

Prior Foreign Application(s) Priority Claimed

<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	[ <u>    </u> ]	[ <u>    </u> ]
			Yes	No
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	[ <u>    </u> ]	[ <u>    </u> ]
			Yes	No
<u>(Number)</u>	<u>(Country)</u>	<u>(Day/Month/Year Filed)</u>	[ <u>    </u> ]	[ <u>    </u> ]
			Yes	No

I hereby claim the benefit under Title 35, United States Code, 120, of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>(Appln Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status)</u>
(patented, pending, aban.)		
<u>(Appln Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status)</u>
(patented, pending, aban.)		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

English Language Declaration

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: Jeffrey S. Whittle, Reg. No. 36,382; Christopher F. Regan, Reg. No. 34,906; Herbert L. Allen, Reg. No. 25,322; David L. Sigalow, Reg. No. 36,006; Richard K. Warther, Reg. No. 32,180; Michael W. Taylor, Reg. No. 43,182; Henry Estevez, Reg. No. 37,823; Paul J. Ditmyer, Reg. No. 40,455; Carl M. Napolitano, Reg. No. 37,405; and Jacqueline E. Hartt, Reg. No. 37,845.

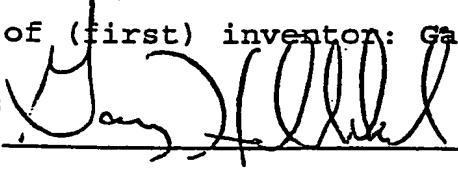
Send Correspondence to:

JEFFREY S. WHITTLE, ESQUIRE  
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST, P.A.  
P.O. Box 3791  
Orlando, Florida 32802-3791

Direct Telephone Calls to:

Jeffrey S. Whittle  
(407) 841-2330

Full name of (first) inventor: Gary Haberland

Inventor's  
Signature:  Date: 3/2/00

Residence: Orlando, Florida

Citizenship: Citizen of United States

Post Office Address: 573 Waterscape Way  
Orlando, FL 32828



Full name of second inventor: Sam R. Marchand

Inventor's

Signature: Sam R Marchand

Date: 3/2/00

Residence: Dunedin, Florida

Citizenship: Citizen of United States

Post Office Address: 1170 Robmar Rd.  
Dunedin, FL 34698



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JUNE 05, 2000

PTAS

ALLEN, DYER, DOPPELT, ET AL.  
JEFFREY S. WHITTLE, ESQ.  
P.O. BOX 3791  
255 SOUTH ORANGE AVE.  
ORLANDO, FLORIDA 32802-3791



\*101316861A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

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PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/22/2000

REEL/FRAME: 010673/0414  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HABERLAND, GARY W.

DOC DATE: 03/02/2000

ASSIGNOR:

MARCHAND, SAM R.

DOC DATE: 03/02/2000

ASSIGNEE:

GENICON, LC  
573 WATERSCAPE WAY  
ORLANDO, FLORIDA 32828

SERIAL NUMBER: 29117520

FILING DATE: 01/26/2000

PATENT NUMBER:

ISSUE DATE:

KIMBERLY WHITE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

to the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

ary W. Haberland

am R. Marchand

2. Name and address of receiving party(ies):

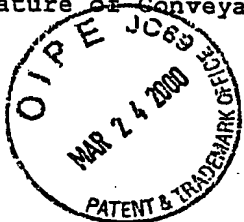
Name: GENICON, LC

Address: 573 Waterscape Way

Orlando, Florida 32828

Additional name(s) of conveying party(ies) attached ( ) Yes (X) No

3. Nature of Conveyance:



(X) Assignment

( ) Merger

( ) Security Agreement

( ) Change of Name

( ) Other

Execution Date: March 2, 2000

04-12-2000



101316861

Additional name(s) and address(s) attached? ( ) Yes (X) No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent application No.(s)

29/117,520

B. Patent No.(s)

Additional numbers attached? ( ) Yes (X) No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Jeffrey S. Whittle, Esq.

Internal Address: Allen, Dyer, Doppelt,

Milbrath & Gilchrist, P.A.

Street Address: P.O. Box 3791

255 South Orange Ave.

City: Orlando

State: Florida

Zip: 32802-3791

03/31/2000 PDELDATE 00000059 29117520

FC:581

(40.00 OP)

6. Total number of applications and patents involved: [ 1 ]

7. Total fee (37 CFR 3.41).....\$ 40.00

(X) Enclosed

[ ] Authorized to be charged to deposit account.

8. Deposit Account Number:

01-0484

If any additional extension and/or fee is required, or, if any additional fee for claims is required.

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief the foregoing information is true and correct and any attached copy is a true copy of the original document.

Jeffrey S. Whittle

Name of Person Signing

Signature

March 22, 2000

Date

Total number of pages including cover sheet, attachments and document: [ 4 ]



## A S S I G N M E N T

WHEREAS, GARY HABERLAND of Orlando, Florida; and SAM R. MARCHAND of Dunedin, Florida; hereinafter referred to as ASSIGNORS, have made certain improvements or inventions in OBTURATOR, VALVE ASSEMBLY, AND CANNULA COMBINATION, for which ASSIGNORS have executed an application for United States Letters Patent filed in the United States Patent and Trademark Office on January 26, 2000 as U.S. Serial No. 29/117,520 ; and

WHEREAS, Genicon LC, a Florida limited liability corporation, hereinafter referred to as ASSIGNEE, is desirous of acquiring the same;

NOW THEREFORE, This Indenture Witnesseth: That for good and valuable consideration, receipt whereof is hereby acknowledged, said ASSIGNORS do hereby sell, assign and transfer to said ASSIGNEE, its successors and assigns, all right, title and interest in and to said United States Patent application, the invention or inventions therein shown and described and any improvements on said inventions heretofore or hereafter made, any divisions or continuations of said application, and all patents, United States and foreign, to be granted upon any such application or for the invention or inventions thereof, and any reissues, continuations or extensions of said patents; and said ASSIGNORS do hereby authorize and request the Commissioner of Patents to issue all patents on said United States Patent applications or for the invention or inventions hereof, in accordance with this assignment.

And said ASSIGNORS for said consideration hereby covenants and agrees that said ASSIGNORS are the owners of the full title herein conveyed and has the right to convey the same, and agrees that said ASSIGNORS will communicate to said ASSIGNEE



March

**Sam R. Marchand**

County of Pineellas :

march

Notary Public

My commission expires:



# **EXHIBIT B**

ALLEN, DYER, DOPPELT  
MILBRATH & GILCHRIST, P.A.

ATTORNEYS AT LAW

1401 CITRUS CENTER  
255 SOUTH ORANGE AVENUE  
POST OFFICE BOX 3791  
ORLANDO, FLORIDA 32802-3791

TELEPHONE 407-841-2330  
FAX 407-841-2343  
EMAIL [jwhittle@addmg.com](mailto:jwhittle@addmg.com)

August 22, 2000

HERBERT L. ALLEN  
ROBERT DYER  
AVA K. DOPPELT  
STEPHEN D. MILBRATH  
BRIAN R. GILCHRIST  
CHRISTOPHER F. REGAN  
JEFFREY S. WHITTLE  
DAVID L. SICALOW  
RICHARD K. WARTHER  
MICHAEL W. TAYLOR  
ENRIQUE G. ESTÉVEZ, PH.D.  
PAUL J. DITMYER  
JOHN F. WOODSON, II\*  
TREVOR D. ARNOLD  
RICHARD A. HINSON

OF COUNSEL:  
CHARLES E. WANDS

PATENT AGENTS:  
CARL M. NAPOLITANO, PH.D.  
JACQUELINE E. HARTT, PH.D.  
MARK R. MALEX

\*NOT ADMITTED IN FLORIDA

Intellectual Property:  
Patents, Trademarks & Copyrights

Securities Arbitration  
& Litigation

Antitrust & Trade Regulation

Business Litigation

MELBOURNE OFFICE:  
5240 BABCOCK STREET, NE  
SUITE 211  
PALM BAY, FL 32909  
407-725-4760/3741  
407-984-7078 FAX

Mr. Gary Haberland  
GeniCon, LC  
573 Waterscape Way  
Orlando, FL 32828

Re: Draft Patent Application for:  
*Trocar System Having Shielded Trocar*  
Our File No.: 24100

Dear Gary:

Enclosed for your records, please find a draft of the patent application as filed for the above-referenced invention.

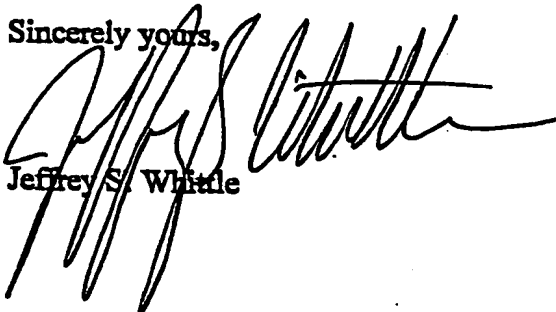
Also enclosed, please find the Declaration and Power of Attorney, Verified Statement Claiming Small Entity Status, and Assignment documents for your review and execution. We ask that you please return the executed documents to our office at your earliest convenience for filing with the U.S. Patent and Trademark Office.

If you should have any questions regarding the enclosed documents, please feel free to give us a call.

Best regards.

Sincerely yours,

Jeffrey S. Whittle



JSW:klt

Enclosures

cc: Mr. Steve Nilson (w/enclosures)  
Mr. Sean Hagen (w/enclosures)  
Mr. Sam Marchand (w/enclosures)  
Mr. Bennie Gladdish (w/enclosures)



# Exhibit C



"New Ideas for Modern Health Care"

RECEIVED  
JAN 16 2001  
A.D.D.M.&G

January 11, 2001

Sam R. Marchand  
1170 Robmar Road  
Dunedin Florida 34698

Sent Via UPS: 1ZW3X0332940050253

Dear Sam

Enclosed, please find (4) Patent Applications which require your notarized signature and return as soon as practical to:

Allen Dyer Doppelt Gilchrist & Milbrath  
Atten: Jeffery Whittle Esq.  
Suite #1401  
255 South Orange Avenue  
Orlando, Florida 32802  
(407) 841-2330 Phone

If you have any questions relating to these documents, please direct them to Jeff Whittle as he would be best positioned to answer them to your satisfaction.

Regards,

Gary Haberland  
Member Manager

Cc: Jeffery Whittle Esq.

**US Office**

GeniCon L.C.  
573 Waterscape Way  
Orlando, Florida U.S.A. 32828  
Telephone: (407) 273-7619  
Telefax: (407) 306-9356

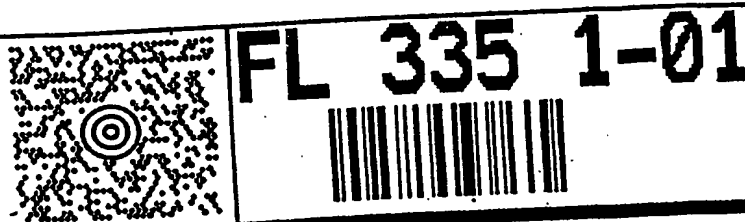
**EU Office**

GeniCon Europe Ltd.  
44 Alfredeale Avenue  
Chiswick, London U.K. W4 2NW  
Telephone: 0044 (0) 208-742-1358  
Telefax: 0044 (0) 208-742-1818

SHIP TO:  
GENICON L.C.  
973 WATERSCAPE  
ORLANDO FL 32828

SHIP TO:

SAM MARCHAND  
1170 ROBMAR ROAD  
DUNEDIN FL 34698



UPS NEXT DAY AIR SAVER **1P**  
TRACKING #: 1Z W3X 033 29 4005 0253



BILLING: P/P  
SIGNATURE REQUIRED

# **EXHIBIT D**

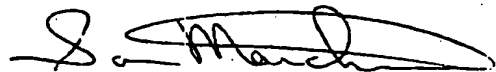
August 7, 2001

Mr. Jeff Whittle  
1401 Citrus Center  
255 South Orange Avenue  
Orlando, FL 32802

Mr. Whittle,

I have received a request from your office for my signature on a continuation for a patent application involving Gary Haberland / Genicon. My partner, Randy Ross, pointed out that Genicon still has a balance due in regards to development work carried out by Coalesce. I would be glad to execute these documents, but I do feel that some type of agreement should be reached in regards to the development work carried out. If you have any suggestions as to how we could reach an agreement in regards to this matter I would be glad to discuss them with you.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Marchand", with a stylized flourish at the end.

Sam Marchand  
Coalesce, Inc.

10/9/2001

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